

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LEINANI DESLANDES, on behalf of herself)	
and all others similarly situated,)	
)	
Plaintiff,)	Case No. 17-cv-04857
)	
v.)	Judge Jorge L. Alonso
)	
McDONALD’S USA, LLC, a Delaware limited)	
liability company, McDONALD’S)	
CORPORATION, a Delaware corporation; and)	
DOES 1 through 10, inclusive,)	
)	
Defendants.)	

**DEFENDANTS McDONALD’S USA, LLC AND McDONALD’S CORPORATION’S
RESPONSE TO PLAINTIFF’S MOTION TO CORRECT THE JUDGMENT**

Defendants McDonald’s USA, LLC and McDonald’s Corporation (“McDonald’s”) oppose Plaintiff’s unnecessary motion to correct the Court’s judgment. McDonald’s respectfully submits that the Court was and remains best-positioned to interpret its Memorandum Opinion and Order (“Order”), dkt. 453. *See Hoskins v. Poelstra*, 320 F.3d 761, 763–64 (7th Cir. 2003) (resolving apparent inconsistency between order and judgment in favor of the judgment, stating that it is “best to take [a] judgment on its own terms”).

The fact is that the same grounds for judgment on the pleadings under Rule 12(c) would support summary judgment in this case. As the Court noted, under *NCAA v. Alston*, __ U.S. __, 141 S.Ct. 2141 (2021), it “must apply rule-of-reason analysis to this case”—and Plaintiff failed to plead a claim under the rule of reason. *See* Dkt. 453 at 8–10. In addition, “the [C]ourt had an abundance of material from which it could determine that summary judgment was appropriate.” *Coldwell Banker & Co. v. Karlock*, 686 F.2d 596, 605 (7th Cir. 1982) (holding that the district court properly granted summary judgment as to all claims on a mixed motion for judgment on the

pleadings and summary judgment). Relying on an extensive evidentiary record, Plaintiff and McDonald's cross-moved for summary judgment under Rule 56. *See* Dkts. 379, 397. Moreover, the parties each relied on a similarly robust evidentiary record at the class certification stage, *see* dkts. 268, 299, as this Court discussed in the Order, *see* dkt. 453 at 4–5. The Court cited to this evidence in the Order, determining that any amendment of the complaint would be futile in this case based on the undisputed facts. Dkt. 453 at 5–6, 12. As such, the judgment properly reflects that the Order is properly supported under either Rule 12(c) or, alternatively, Rule 56. Under either rule, Plaintiff's claims fail as a matter of law.

In any event, Plaintiff's request does not, as it suggests, have any bearing on a potential appeal. The Court of Appeals "may affirm a district court's dismissal of a claim on any ground supported in the record as long as the plaintiff has had a fair opportunity to address the issue." *Greenpoint Tactical Income Fund LLC v. Pettigrew*, 38 F.4th 555, 565 (7th Cir. 2022). Here, Plaintiff has had such an opportunity with respect to all issues briefed at class certification and in the parties' cross-motions for summary judgment.

Dated: July 25, 2022

Respectfully submitted,

**McDONALD'S USA, LLC and
McDONALD'S CORPORATION**

By: /s/ Rachel S. Brass
Rachel S. Brass

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CERTIFICATE OF SERVICE

I, Rachel S. Brass, an attorney, hereby certify that the foregoing document was electronically filed on July 25, 2022 and will be served electronically via the Court's ECF Notice system upon the registered parties of record.

/s/ Rachel S. Brass

Rachel S. Brass